

AUG 11 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JOAN HORTON; et al.,

Plaintiffs - Appellees,

v.

MULTNOMAH COUNTY, OREGON; et
al.,

Defendants - Appellants.

Nos. 05-35048, 05-35052

D.C. No. CV-03-01257-HA

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Ancer L. Haggerty, District Judge, Presiding

Submitted August 7, 2006^{**}

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit Judges.

Appellant State of Oregon's unopposed motion for summary reversal is granted. The district court's orders are reversed and the matter is remanded for reconsideration in light of *Caruso v. Yamhill County*, 422 F.3d 848 (9th Cir. 2005).

REVERSED AND REMANDED.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).